

SJ 31: TITLE 61 REPEAL ANALYSIS

BACKGROUND

Sections 87 through 91 of House Bill 701 (HB 701) amended sections within Title 61, chapter 8, part 4, MCA, primarily to add oral fluid drug screening to various listings of appropriate and admissible testing for the presence and concentration of drugs and alcohol.

However, Senate Bill 365 repealed Title 61, chapter 8, part 4, MCA, in its entirety as part of a general revision and reorganization of Montana's driving under the influence (DUI) laws, so these sections were never codified.

ANALYSIS

The original recommendation for this section was to look at Title 61, chapter 8, part 10, MCA, which is where the newly codified DUI laws are in order to see what amendments should be made to include admissible tests for marijuana screening. Consider using sections 87 through 91 of HB 701 as a guide for amendment language.

At the April 20 meeting, the Economic Affairs Interim Committee (EAIC) decided not to act on these amendments.

RECOMMENDATION

Draft letters to the Law and Justice Interim Committee (LJIC) or the Department of Justice (DOJ) indicating the EAIC will not be including this issue in the HB 701 cleanup bill.

COMMITTEE OPTIONS

Option A: Recommend the LJIC submit a committee bill for necessary amendments.

Option B: Recommend the DOJ submit an agency bill for necessary amendments.

Option C: Send letters to both the LJIC and the DOJ.

Option D: Leave as is.